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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

11 ANTONIO LOPEZ, individually;
12 JOHANNA LOPEZ, individually; M.R.,
13 by and through his guardian ad litem,
14 April Rodriguez, individually and as
15 successor in interest to Brandon Lopez;
16 B.L. and J.L., by and through their
17 guardian ad litem Rachel Perez,
18 individually and as successor in interest
19 to Brandon Lopez; S.L., by and through
20 his guardian ad litem, Rocio Flores,
21 individually and as successor in interest
22 to Brandon Lopez,

Plaintiffs,

vs.

23 CITY OF ANAHEIM; CITY OF
24 SANTA ANA; DAVID VALENTIN;
25 JORGE CISNEROS; PAUL
DELGADO; BRETT HEITMAN;
KENNETH WEBER; CAITLIN
PANOV; DOES 1-10,

Defendants.

Case No. 8:22-cv-1351-JVS-ADS
[Hon. James V. Selna, Dist. Judge; Hon.
Autumn D. Spaeth, M. Judge]

**[PROPOSED] ORDER ON
DEFENDANTS' EVIDENTIARY
OBJECTIONS IN SUPPORT OF
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT OR
PARTIAL SUMMARY JUDGMENT**

Date: August 12, 2024
Time: 1:30 p.m.
Crtrm.: 10C

FPTC Date: September 9, 2024
Trial Date: September 17, 2024

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

26 Defendants CITY OF ANAHEIM, JORGE CISNEROS, PAUL DELGADO,
27 BRETT HEITMAN, KENNETH WEBER, and CATALIN PANOV's Motion for
28 Summary Judgment or Partial Summary Judgment came on for hearing before this

1 Court on August 12, 2024. Defendants timely filed evidentiary objections to
 2 Plaintiffs' papers filed in support of their Opposition to Defendants' Motion for
 3 Summary Judgment.

4 The Court, having read and considered Defendants' evidentiary objections to
 5 certain evidence filed in support of Plaintiffs' Opposition to Defendants' Motion for
 6 Summary Judgment, rules as follows on each of Defendants' objections:

Evidence	Objection	Court's Ruling
1. "An armored vehicle was quickly called to the scene and Brandon's vehicle was surrounded by police vehicles. Ex A – CAD report at p. 11 Exhibit B – Photographs of Scene from Department of Justice Report and Recommendations (hereinafter 'Ex B – DOJ Scene Photos')" [Dkt. 130-1, AMF No. 4 & Supporting Evidence.]	Misstates evidence. <i>See generally</i> F.R.E. 403. Lacks foundation. F.R.E. 403. Relevance as to Plaintiffs' Exhibit B. F.R.E. 401-403; <i>Graham v. Connor</i> , 490 U.S. 386, 396 (1989) ("The 'reasonableness' of a particular use of force must be judged from the perspective of the reasonable officer on the scene, rather than with the 20/20 vision of hindsight.").	Sustained ____ Overruled ____
2. "However, this was a mistake as it is undisputed that Brandon was not armed with any weapons and did not have any firearms with his vehicle. Exhibit C – Anaheim Police Department Report re Evidence Collection (hereinafter 'Ex C – Evidence Report')."	Vague and ambiguous as to "mistake." Relevance. F.R.E. 401-403; <i>Graham v. Connor</i> , 490 U.S. 386, 396 (1989) ("The 'reasonableness' of a particular use of force must be judged from the perspective of the reasonable officer on the scene, rather	Sustained ____ Overruled ____

	Evidence	Objection	Court's Ruling
1	[Dkt. 130-1, AMF No. 7 & Supporting Evidence]	than with the 20/20 vision of hindsight.”).	
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4	3. “No officer saw Brandon point the alleged firearm at anyone or make any movements that made them believe Brandon intended to harm anyone. Moreover, Brandon was never observed making any aggressive or threatening movements during the incident.	Misstates evidence. <i>See generally</i> F.R.E. 403.	Sustained _____
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11	Ex A – CAD report, generally.”	Lacks foundation. F.R.E. 403.	Overruled _____
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14	[Dkt. 130-1, AMF No. 9 & Supporting Evidence.]		
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16	4. “Shortly after Brandon’s vehicle became stuck, Brandon’s mother, Johanna Lopez, as well as several other family members, arrived on scene and congregated approximately one block from Brandon’s car. Ms. Lopez stood just on the other side of the police perimeter, as close as she could legally be to her son, and could see the intersection and at least three police cars and an armored vehicle.	Misstates evidence. <i>See generally</i> F.R.E. 403.	Sustained _____
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26	Exhibit D – Deposition of Plaintiff Johanna Lopez at 39:1-5, 42:3-13, 44:20-24, 46:22-47:4, 48:1-49:16, 50:22-		
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	Evidence	Objection	Court's Ruling
1	6, 55:6-56:5 (hereinafter ‘Ex D – Johanna Lopez Depo’)” [Dkt. 130-1, AMF No. 10 & Supporting Evidence.]		
2	5. “Ms. Lopez knew that her son was in the intersection and knew that he was surrounded by officers. Ex D – Johanna Lopez Depo at 39:24-40:18, 44:20-24, 46:22-47:4, 48:1-49:16, 50:22-6, 66:9-67:14.” [Dkt. 130-1, AMF No. 11 & Supporting Evidence.]	Misstates evidence. <i>See generally</i> F.R.E. 403. Lacks foundation. F.R.E. 403.	Sustained ____ Overruled ____
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4	6. “Ms. Lopez remained on scene for the duration of the Incident, pleading with the officers to allow her to speak to her son. Ex D – Johanna Lopez Depo. at 43:1-7, 51:25-52:25” [Dkt. 130-1, AMF No. 12 & Supporting Evidence.]	Misstates evidence. <i>See generally</i> F.R.E. 403. Lacks foundation. F.R.E. 403.	Sustained ____ Overruled ____
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6	7. “At this time at least two additional armored vehicles were brought in to further surround the vehicle. Ex B – DOJ Scene Photos” [Dkt. 130-1, AMF No. 14 & Supporting Evidence.]	Relevance as to Plaintiffs’ Exhibit B. F.R.E. 401-403; <i>Graham v. Connor</i> , 490 U.S. 386, 396 (1989) (“The ‘reasonableness’ of a particular use of force must be judged from the perspective of the reasonable officer on the scene, rather	Sustained ____ Overruled ____
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1	Evidence	Objection	Court's Ruling
2		than with the 20/20 vision of hindsight.”).	
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4	8. “The Defendant officers knew that when they forced Brandon out of the car that his only potential avenue of escape was through the police perimeter.	Conclusory unsupported opinion. F.R.E. 701.	Sustained _____
5		Lacks foundation. F.R.E. 403.	Overruled _____
6		Speculation. F.R.E. 701.	
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8	Ex E – Panov BWC at 22:15-24:20, 27:30-28:00”	Relevance. F.R.E. 401-403; <i>Graham v. Connor</i> , 490 U.S. 386, 396 (1989) (“The ‘reasonableness’ of a particular use of force must be judged from the perspective of the reasonable officer on the scene, rather than with the 20/20 vision of hindsight.”).	
9	[Dkt. 130-1, AMF No. 16 & Supporting Evidence.]		
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16	9. “The Defendant officers also discussed the terrain of the construction zone and knew that it would force Brandon to zigzag to avoid the obstacles.	Conclusory unsupported opinion. F.R.E. 701.	Sustained _____
17		Lacks foundation. F.R.E. 403.	Overruled _____
18		Speculation. F.R.E. 701.	
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20	Ex E – Panov BWC at 22:15-24:20, 27:30-28:00, 33:50-34:40”	Relevance. F.R.E. 401-403; <i>Graham v. Connor</i> , 490 U.S. 386, 396 (1989) (“The ‘reasonableness’ of a particular use of force must be judged from the perspective of the reasonable officer on the scene, rather than with the 20/20 vision of hindsight.”).	
21	[Dkt. 130-1, AMF No. 17 & Supporting Evidence.]		
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	Evidence	Objection	Court's Ruling
10.	<p>10. “The Defendants knew that these could be potential problems regardless of whether Brandon was armed, thus the plan was for less lethal to begin firing to subdue Brandon before he reached the perimeter to avoid the use of lethal force.</p> <p>Ex E – Panov BWC at 22:15-24:20, 27:30-28:00, 33:50-34:40”</p> <p>[Dkt. 130-1, AMF No. 18 & Supporting Evidence.]</p>	<p>Conclusory unsupported opinion. F.R.E. 701.</p> <p>Lacks foundation. F.R.E. 403.</p> <p>Speculation. F.R.E. 701.</p> <p>Relevance. F.R.E. 401-403; <i>Graham v. Connor</i>, 490 U.S. 386, 396 (1989) (“The ‘reasonableness’ of a particular use of force must be judged from the perspective of the reasonable officer on the scene, rather than with the 20/20 vision of hindsight.”).</p>	<p>Sustained _____</p> <p>Overruled _____</p>
11.	<p>11. “Law enforcement also planned to deploy the police service dog off lead if he approached the perimeter to ensure the officers could safely take Brandon into custody.</p> <p>Ex E – Panov BWC at 22:15-24:20, 27:30-28:00, 33:50-34:40”</p> <p>[Dkt. 130-1, AMF No. 19 & Supporting Evidence.]</p>	<p>Speculation. F.R.E. 701.</p> <p>Relevance. F.R.E. 401-403; <i>Graham v. Connor</i>, 490 U.S. 386, 396 (1989) (“The ‘reasonableness’ of a particular use of force must be judged from the perspective of the reasonable officer on the scene, rather than with the 20/20 vision of hindsight.”).</p>	<p>Sustained _____</p> <p>Overruled _____</p>
12.	<p>12. “Lethal force was designated as cover.</p> <p>Ex E – Panov BWC at 22:15-24:20, 27:30-28:00, 33:50-34:40”</p>	<p>Relevance. F.R.E. 401-403; <i>Graham v. Connor</i>, 490 U.S. 386, 396 (1989) (“The ‘reasonableness’ of a particular use of force must be judged from the perspective of the reasonable officer on the scene, rather</p>	<p>Sustained _____</p> <p>Overruled _____</p>

	Evidence	Objection	Court's Ruling
1	[Dkt. 130-1, AMF No. 20 & Supporting Evidence.]	than with the 20/20 vision of hindsight.”).	
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4	13. “In addition to lethal cover, the less lethal 40 mm launcher, police service dog, and a ballistic shield were staged with the Defendant Officer, hidden behind one of the armored vehicles.	Conclusory unsupported opinion. F.R.E. 701.	Sustained _____
5		Lacks foundation. F.R.E. 403.	Overruled _____
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7		Speculation. F.R.E. 701.	
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9	Ex A – CAD Report	Relevance. F.R.E. 401-402; <i>Forrester v. City of San Diego</i> , 25 F.3d 804, 807-08 (9th Cir. 1994) (police officers “are not required to use the least intrusive degree of force possible”); <i>Bryan v. MacPherson</i> , 630 F.3d 805, 813 (9th Cir. 2015).	
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11	Ex E – Panov BWC at 24:30-25:15, 1:15:00		
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13	Ex F – Delgado BWC at 02:30-03:00”		
14			
15	[Dkt. 130-1, AMF No. 24 & Supporting Evidence.]		
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17	14. “There were no exigent circumstances or other legitimate law enforcement objectives that required the removal of Brandon at that time.	Conclusory unsupported opinion. F.R.E. 702.	Sustained _____
18		Argumentative.	Overruled _____
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20		Lacks foundation. F.R.E. 403.	
21	Ex A – CAD Report, generally	Speculation. F.R.E. 701.	
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23	Ex E – Panov BWC at 0:00:00-1:18:00		
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25	Ex F – Delgado BWC at 00:00-55:00		
26			
27	Ex G – Weber BWC at 0:00:00-1:40:00”		
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	Evidence	Objection	Court's Ruling
1	[Dkt. 130-1, AMF No. 27 & Supporting Evidence.]		
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4	15. "In fact, the Defendant Officers had been hiding behind the armored vehicle for almost an hour prior to shots being fired and no assaultive or threatening behavior by Brandon was reported or observed. By forcing Brandon out of the car, the Defendants forced an unnecessary confrontation and escalated the situation.	Relevance. F.R.E. 401-403. Conclusory unsupported opinion. F.R.E. 702. Argumentative. Lacks foundation. F.R.E. 403. Speculation. F.R.E. 701.	Sustained _____ Overruled _____
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13	Ex A – CAD Report, generally		
14	Ex E – Panov BWC at 0:00:00-1:18:00		
15			
16	Ex F – Delgado BWC at 0:00:55:00		
17			
18	Ex G – Weber BWC at 0:00:00-1:40:00"		
19			
20	[Dkt. 130-1, AMF No. 28 & Supporting Evidence.]		
21			
22	16. "Moreover, it was clear that Brandon was in crisis as he was seen crying in the vehicle.	Misstates evidence. <i>See generally</i> F.R.E. 403. Lacks foundation. F.R.E. 403.	Sustained _____ Overruled _____
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25	Ex A – CAD Report at p.21"	Conclusory unsupported opinion. F.R.E. 702.	
26	[Dkt. 130-1, AMF No. 29 & Supporting Evidence.]	Speculation. F.R.E. 701.	
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	Evidence	Objection	Court's Ruling
1	17. “Brandon exited his vehicle holding only a small bag containing a plastic water bottle held down at his side. Ex C – Evidence Report	Relevance. F.R.E. 401-403; <i>Graham v. Connor</i> , 490 U.S. 386, 396 (1989) (“The ‘reasonableness’ of a particular use of force must be judged from the perspective of the reasonable officer on the scene, rather than with the 20/20 vision of hindsight.”). At the time of the incident, the Anaheim Officer Defendants did not know that Mr. Lopez was not armed, in fact, it had been expressly reported to them that Mr. Lopez <i>was armed</i> .	Sustained _____ Overruled _____
2	Ex E – Panov BWC at 1:18:07-18:11		
3	Ex F – Delgado BWC at 54:28-54:35		
4	Ex G – Weber BWC at 1:38:46-1:38:55		
5	Exhibit H – Still Frames from Defendant Panov’s Body Worn Camera (hereinafter “Panov BWC Still Frames”)		
6	Exhibit I – Still Frames from Defendant Delgado’s Body Worn Camera (hereinafter “Delgado BWC Still Frames”)		
7	Exhibit J – Still Frames from Defendant Weber’s Body Worn Camera (hereinafter “Weber BWC Still Frames”)		
8	[Dkt. 130-1, AMF No. 30 & Supporting Evidence.]		
9			
10	18. “As Brandon exited, he began to jog in a line parallel to where the Defendant Officers were standing.	Invades the province of the finder of fact. <i>See A.B. v. Cty. of San Diego</i> , 2020 U.S. Dist. LEXIS 136760, at *6 (S.D. Cal. July 31, 2020); <i>Zeen v. Cnty. of Sonoma</i> , 2018 U.S. Dist. LEXIS	Sustained _____ Overruled _____
11	Ex E – Panov BWC at 1:18:07-18:11.		

	Evidence	Objection	Court's Ruling
1	Ex F – Delgado BWC at 54:28-54:35.	13744, at *5-6 (N.D. Cal. Aug. 9, 2018).	
2	Ex G – Weber BWC at 1:38:46- 1:38:55	Misstates evidence. <i>See generally</i> F.R.E. 403.	
3	Exhibit H – Still Frames from Defendant Panov’s Body Worn Camera (hereinafter “Panov BWC Still Frames”)	Lacks foundation. F.R.E. 403.	
4	Exhibit I – Still Frames from Defendant Delgado’s Body Worn Camera (hereinafter “Delgado BWC Still Frames”)	Conclusory unsupported opinion. F.R.E. 702.	
5	Exhibit J – Still Frames from Defendant Weber’s Body Worn Camera (hereinafter “Weber BWC Still Frames”)		
6	[Dkt. 130-1, AMF No. 31 & Supporting Evidence.]		
7	19. “The Defendant Officers were still hidden behind an armored vehicle and there were several bright lights pointing directly at Brandon, obfuscating their location.	Invades the province of the finder of fact. <i>See A.B. v. Cty. of San Diego</i> , 2020 U.S. Dist. LEXIS 136760, at *6 (S.D. Cal. July 31, 2020); <i>Zeen v. Cnty. of Sonoma</i> , 2018 U.S. Dist. LEXIS 13744, at *5-6 (N.D. Cal. Aug. 9, 2018).	Sustained _____ Overruled _____
8	Ex E – Panov BWC at 1:18:07-18:11.		
9	Ex F – Delgado BWC at 54:28-54:35.	Misstates evidence. <i>See generally</i> F.R.E. 403.	
10	Ex G – Weber BWC at 1:38:46- 1:38:55	Lacks foundation. F.R.E. 403.	
11	Exhibit H – Still Frames from Defendant Panov’s Body	Conclusory unsupported opinion. F.R.E. 702.	

	Evidence	Objection	Court's Ruling
1	2 Worn Camera (hereinafter 3 "Panov BWC Still Frames")	4 Speculation. F.R.E. 701.	
5	6 Exhibit I – Still Frames from 7 Defendant Delgado's Body 8 Worn Camera (hereinafter 9 "Delgado BWC Still Frames")		
10	11 Exhibit J – Still Frames from 12 Defendant Weber's Body 13 Worn Camera (hereinafter 14 "Weber BWC Still Frames")		
15	16 [Dkt. 130-1, AMF No. 32 & 17 Supporting Evidence.]		
18	19 20. "As Brandon moved 21 forward, he was not looking in 22 the direction of Defendant 23 Officers. Ex E – Panov BWC at 1:18:07-18:11. Ex F – Delgado BWC at 54:28-54:35. Ex G – Weber BWC at 1:38:46- 1:38:55	24 Invades the province of the 25 finder of fact. <i>See A.B. v. Cty. of San Diego</i> , 2020 U.S. Dist. LEXIS 136760, at *6 (S.D. Cal. July 31, 2020); <i>Zeen v. Cnty. of Sonoma</i> , 2018 U.S. Dist. LEXIS 13744, at *5-6 (N.D. Cal. Aug. 9, 2018). Misstates evidence. <i>See generally</i> F.R.E. 403.	26 Sustained _____ Overruled _____
27	28 Exhibit H – Still Frames from Defendant Panov's Body Worn Camera (hereinafter "Panov BWC Still Frames") Exhibit I – Still Frames from Defendant Delgado's Body Worn Camera (hereinafter "Delgado BWC Still Frames") Exhibit J – Still Frames from Defendant Weber's Body	Lacks foundation. F.R.E. 403. Conclusory unsupported opinion. F.R.E. 702. Speculation. F.R.E. 701.	

	Evidence	Objection	Court's Ruling
1	2 Worn Camera (hereinafter 3 "Weber BWC Still Frames")" 4 [Dkt. 130-1, AMF No. 34 & 5 Supporting Evidence.]		
6	7 21. "When Brandon did look 8 towards the lights, his hands 9 were down by his side, 10 moving only with the natural 11 movement of his body. 12 Ex E – Panov BWC at 13 1:18:07-18:11. 14 Ex F – Delgado BWC at 15 54:28-54:35. 16 Ex G – Weber BWC at 17 1:38:46- 1:38:55 18 Exhibit H – Still Frames from 19 Defendant Panov's Body 20 Worn Camera (hereinafter 21 "Panov BWC Still Frames") 22 Exhibit I – Still Frames from 23 Defendant Delgado's Body 24 Worn Camera (hereinafter 25 "Delgado BWC Still Frames") 26 Exhibit J – Still Frames from 27 Defendant Weber's Body 28 Worn Camera (hereinafter "Weber BWC Still Frames")" [Dkt. 130-1, AMF No. 35 & Supporting Evidence.]	29 Invades the province of the 30 finder of fact. <i>See A.B. v.</i> <i>Cty. of San Diego</i> , 2020 U.S. 31 Dist. LEXIS 136760, at *6 (S.D. Cal. July 31, 2020); <i>Zeen v. Cnty. of Sonoma</i> , 32 2018 U.S. Dist. LEXIS 33 13744, at *5-6 (N.D. Cal. 34 Aug. 9, 2018). 35 Misstates evidence. <i>See</i> 36 <i>generally</i> F.R.E. 403. 37 Lacks foundation. F.R.E. 403. 38 Conclusory unsupported 39 opinion. F.R.E. 702. 40 Speculation. F.R.E. 701.	41 Sustained _____ 42 Overruled _____
43	44 22. "As Brandon crossed the 45 tracks on the ground, his path 46 of travel was blocked by a car	47 Invades the province of the 48 finder of fact. <i>See A.B. v.</i> <i>Cty. of San Diego</i> , 2020 U.S.	49 Sustained _____

	Evidence	Objection	Court's Ruling
1	and construction equipment, thus he changed direction slightly to attempt to run past the car and toward the open street. Ex E – Panov BWC at 1:18:07-18:11 Ex F – Delgado BWC at 54:28-54:35. Ex G – Weber BWC at 1:38:46- 1:38:55” [Dkt. 130-1, AMF No. 36 & Supporting Evidence.]	Dist. LEXIS 136760, at *6 (S.D. Cal. July 31, 2020); <i>Zeen v. Cnty. of Sonoma</i> , 2018 U.S. Dist. LEXIS 13744, at *5-6 (N.D. Cal. Aug. 9, 2018). Misstates evidence. <i>See generally</i> F.R.E. 403. Lacks foundation. F.R.E. 403. Conclusory unsupported opinion. F.R.E. 702. Speculation. F.R.E. 701.	Overruled _____
2	23. “He was not running at the officers, lunging, nor making aggressive movements towards anyone. Brandon never raised, swung, or pointed the bag at anyone. Ex E – Panov BWC at 1:18:07-18:11. Ex F – Delgado BWC at 54:28-54:35. Ex G – Weber BWC at 1:38:46- 1:38:55.” [Dkt. 130-1, AMF No. 37 & Supporting Evidence.]	Invades the province of the finder of fact. <i>See A.B. v. Cty. of San Diego</i> , 2020 U.S. Dist. LEXIS 136760, at *6 (S.D. Cal. July 31, 2020); <i>Zeen v. Cnty. of Sonoma</i> , 2018 U.S. Dist. LEXIS 13744, at *5-6 (N.D. Cal. Aug. 9, 2018). Misstates evidence. <i>See generally</i> F.R.E. 403. Lacks foundation. F.R.E. 403. Conclusory unsupported opinion. F.R.E. 702. Speculation. F.R.E. 701.	Sustained _____ Overruled _____
3	24. “Despite Brandon not presenting an immediate threat that would justify the use of deadly force, the defendants	Relevance. F.R.E. 401-402; <i>Forrester v. City of San Diego</i> , 25 F.3d 804, 807-08 (9th Cir. 1994) (police	Sustained _____ Overruled _____

	Evidence	Objection	Court's Ruling
1	2 failed to follow their plan to 3 use less lethal force first and 4 did not utilize any of the 5 options available to them. 6 Ex E – Panov BWC at 7 1:18:07-18:12. 8 Ex F – Delgado BWC at 9 54:28-54:35.” 10 [Dkt. 130-1, AMF No. 38 & 11 Supporting Evidence.]	12 officers “are not required to 13 use the least intrusive degree 14 of force possible”); <i>Bryan v. 15 MacPherson</i> , 630 F.3d 805, 16 813 (9th Cir. 2015). 17 Conclusory unsupported 18 opinion. F.R.E. 702. 19 Argumentative.	20
21	22 25. “Brandon immediately 23 started falling when the first 24 shot struck him and hit the 25 ground unresponsive, still, and bleeding profusely. Ex E – Panov BWC at 1:18:07-18:14. Ex F – Delgado BWC at 54:28-54:35. Ex G – Weber BWC at 1:38:46- 1:38:55.” [Dkt. 130-1, AMF No. 40 & Supporting Evidence.]	26 Misstates evidence. <i>See generally</i> F.R.E. 403. Lacks foundation. F.R.E. 403. Conclusory unsupported opinion. F.R.E. 702.	27 Sustained _____ Overruled _____
28	29 26. “Brandon, who was 30 unarmed during the entire 31 incident, was shot in the back 32 four times, the right side eight 33 times, the chest six times, and 34 the right arm, hand, and 35 shoulder area twelve times, for a total of at least 30 gunshot wounds. Ex C – Evidence Report.	36 Relevance. F.R.E. 401-403; <i>Graham v. Connor</i> , 490 U.S. 386, 396 (1989) (“The ‘reasonableness’ of a particular use of force must be judged from the perspective of the reasonable officer on the scene, rather than with the 20/20 vision of hindsight.”). At the time of the incident, the Anaheim	37 Sustained _____ Overruled _____

1	Evidence	Objection	Court's Ruling
2	Exhibit K – Autopsy Report 17-19” [Dkt. 130-1, AMF No. 43 & Supporting Evidence.]	Officer Defendants did not know that Mr. Lopez was not armed, in fact, it had been expressly reported to them that Mr. Lopez <i>was armed</i> .	
6	27. “Ms. Lopez was still standing approximately one block away when her son was shot. Ms. Lopez heard both the flashbang explosions and the gunshots from where she stood.	Misstates evidence. <i>See</i> <i>generally</i> F.R.E. 403.	Sustained _____ Overruled _____
11	Ex D – Johanna Lopez Depo at 59:23-62:24” [Dkt. 130-1, AMF No. 44 & Supporting Evidence.]		
15	28. “Ms. Lopez thereafter heard the gunshots from the intersection. Ex D – Johanna Lopez Depo at 61:16-62:8” [Dkt. 130-1, AMF No. 46 & Supporting Evidence.]	Misstates evidence. <i>See</i> <i>generally</i> F.R.E. 403.	Sustained _____ Overruled _____

21
22 **IT IS SO ORDERED**

23 DATED: _____, 2024

26 By:

27 Hon. James V. Selna
U.S. DISTRICT COURT JUDGE